

House  
REPUBLICAN  
Conference

# FloorPrep

Legislative Digest

Monday, October 6, 1997

John Boehner  
Chairman  
8th District, Ohio

*House Meets at 12:30 p.m. for Morning Hour  
and 2:00 p.m. for Legislative Business  
(No Recorded Votes Expected Before 5:00 p.m.)*

*Anticipated Floor Action:*

- H.R. 2206—Veterans’ Health Programs Improvement Act**  
**H.R. 2571—Authorizing VA Major Medical Construction Projects and Facility Leases**  
**H.R. 1703—Department of Veterans’ Affairs Employment Discrimination Resolution and Adjudication Act**  
**H.R. 1370—Export-Import Bank Reauthorization Act**  
**H.R. 2160—FY 1998 Agriculture Appropriations Act (Conference Report)**  
**Motion to Go to Conference on H.R. 2267 (FY 1998 Commerce, Justice, State and the Judiciary Appropriations Act)**  
**H.R. 1127—National Monument Fairness Act**  
**H.R. 2165—Extending the Federal Power Act Deadline for a Hydroelectric Project in Iowa (Vote Only)**  
**H.R. 2207—Coastal Pollution Reduction Act (Vote Only)**  
**H.R. 548—Designating the Ted Weiss U.S. Courthouse (Vote Only)**  
**H.R. 595—Designating the William Augustus Bootle Federal Building and U.S. Courthouse (Vote Only)**  
**S. 819—Designating the Martin V. B. Bostetter, Jr. U.S. Courthouse (Vote Only)**  
**S. 833—Designating the Howard M. Metzenbaum U.S. Courthouse (Vote Only)**  
**H.R. 2036—Aviation Insurance Reauthorization Act (Vote Only)**



## Bills Considered Under Suspension of the Rules

**Floor Situation:** The House will consider the following three bills under suspension of the rules as its first order of business today. Each is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

**H.R. 2206—Veterans’ Health Programs Improvement Act** extends, consolidates, and strengthens several expiring laws which authorize programs to assist and rehabilitate homeless veterans and veterans with chronic mental illnesses. The bill also addresses several needs relating to Gulf War illnesses. Specifically, the bill (1) establishes a \$5 million grant program under which 10 VA facilities will establish demonstration projects aimed at improving health care for Gulf War veterans with undiagnosed or difficult-to-diagnose conditions; (2) requires the VA to counsel veterans on the results of the special diagnostic screening exams as part of its Persian Gulf registry system; and (3) makes clear that Gulf War veterans are eligible for care for any health problem, whether or not the health problem has any relationship to exposure to a toxic substance or environmental hazard. The bill also makes a number of other changes to current law regarding nursing home care, employment reductions at the Veterans Health Administration, the VA Canteen Service, and pharmaceutical pricing. Assuming appropriation of authorized amounts, CBO estimates that enactment of H.R. 2206 will increase spending by \$84 million in FY 1998 and \$505 million over the period of FYs 1998-2002. The bill was introduced by Mr. Stearns; the Veterans’ Affairs Committee reported the bill by voice vote.

**H.R. 2571—Authorizing VA Major Medical Construction Projects and Facility Leases** authorizes \$89.6 million for major construction projects and \$17 million for major medical facility leases. Specifically, the bill (1) authorizes two construction projects involving seismic corrections at the Department of Veterans Affairs (VA) Medical Center in Memphis, Tennessee, and the McClellan Hospital at Mather Field in Sacramento, California, as well as outpatient improvements at Mare Island in Vallejo, California, and Martinez, California; (2) allows the VA to enter into medical facility leases of information resources management field offices and satellite outpatient clinics; and (3) specifies that the California projects must be carried out using previously appropriated funds. Assuming appropriation of authorized amounts, CBO estimates that enactment will result in outlays of about \$14 million in FY 1997 and \$48 million over the FY 1998-2002 period. The bill was introduced by Mr. Stump; the Veterans’ Affairs Committee reported the bill by voice vote.

**H.R. 1703—Department of Veterans’ Affairs Employment Discrimination Resolution and Adjudication Act** restructures authority and responsibility for overseeing equal employment opportunities within the Department of Veterans Affairs (VA) by establishing improved and expedited procedures for resolving complaints of sexual harassment and other unlawful employment discrimination. The bill establishes a new central Office of Resolution Management (ORM) to carry out the equal employment responsibilities of the department. The bill also limits the number of part-time equal employment opportunity (EEO) employees to 40, thus increasing the number of full-time, professional EEO counselors and investigators. H.R. 1703 requires that these employees (1) report to an assistant secretary or a deputy assistant secretary for Complaint Resolution Management, and (2) be outside the control of the director of the facility where they work. The bill also requires the VA Secretary to establish an Office of Employment Discrimination Complaint Adjudication (OEDCA) to issue final agency decisions on the merits of claims of unlawful employment discrimination. The OEDCA director will report directly to the secretary or deputy secretary of Veterans Affairs and will

maintain sole responsibility within the VA to resolve complaints of sexual harassment or other unlawful employment practices. CBO estimates that enactment will have no significant impact on the federal budget. The bill was introduced by Mr. Everett; the Veterans' Affairs Committee reported the bill by voice vote.

**Additional Information:** See *Legislative Digest*, Vol. XXVI, #28, October 3, 1997.



## **H.R. 1370—Export-Import Bank Reauthorization Act**

**Floor Situation:** The House will continue considering H.R. 1370 after it completes consideration of the scheduled suspensions. Last Tuesday, the House completed general debate and began considering amendments under a modified closed rule which made in order seven amendments. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, provided that it follows a regular 15-minute vote. Finally, the rule provides on motion to recommit, with or without instructions.

**Summary:** H.R. 1370 reauthorizes the U.S. charter of the Export-Import Bank (ExIm Bank) through September 30, 2001. Without reauthorization, the bank's charter will expire at the end of FY 1997. The bill extends the ExIm Bank's authority to finance the export of nonlethal defense equipment and similarly extends authority to the tied aid "war chest" credit fund (which the ExIm Bank uses to counter specific projects that are receiving foreign-subsidized export financing). The bill also (1) clarifies the president's authority to prevent ExIm Bank financing for national security reasons; (2) authorizes the creation of an Assistant General Counsel for Administration position, as well as an advisory committee to assist the bank in facilitating U.S. exports to sub-Saharan Africa; and (3) requires the bank's chairman to create a program to heighten awareness of ExIm services among companies that have yet to utilize them and give preference, when providing assistance, to companies who have shown a commitment to reinvestment and job creation in the United States. CBO estimates that enactment will result in additional discretionary spending (subject to appropriations) of approximately \$80 million in 1998 and \$1.2 billion to \$1.3 billion over the FY 1998-2002 period. The bill does not affect direct spending, so pay-as-you-go procedures do not apply. H.R. 1370 was introduced by Mr. Castle et al. and was reported by Banking & Financial Services Committee by voice vote.

**Views:** The Republican leadership supports passage of the bill. A Clinton Administration viewpoint was unavailable at press time.

**Amendments:** Under the modified closed rule, four amendments remain to be considered, debatable in the order listed below. Each amendment is debatable for 10 minutes equally divided between a proponent and an opponent.

**Mr. Rohrabacher and Mr. Stearns** may offer an amendment to prohibit the ExIm Bank from insuring, guaranteeing extending credits or participating in an extension of credit for any transaction involving the import or export of any good or service if the company involved is at least 50 percent owned by the government or military of a foreign country. Proponents argue that the intent of the

amendment is to preserve the mandate of the Export-Import Bank to help private business, not to subsidize the business operations of foreign governments or militaries. *Staff Contacts: Al Santoli (Rohrabacher), x5-2415; Peter Krug (Stearns), x5-5744*

**Mr. Rohrabacher** may offer an amendment to prohibit the ExIm bank from insuring, guaranteeing extending credit, or participating in an extension of credit in any transaction involving an entity owned by a government which is not chosen through free and fair elections, as certified by the president, or which lacks an independent judicial system. *Staff Contact: Al Santoli, x5-2415*

**Mr. Solomon** may offer an amendment prohibit ExIm Bank subsidies to Russia if it transfers any SS-N-22 or SS-N-26 missiles to the People's Republic of China. *Staff Contact: Jim Doran, x5-7985*

**Mr. Vento** may offer an amendment to prohibit the use of Export-Import Bank assistance for exports to companies that employ child labor. *Staff Contacts: Kirsten Johnson or Jennifer Cless, x5-6631*

**Additional Information:** See *Legislative Digest*, Vol. XXXVI, #27, September 26, 1997.



## **H.R. 2160—FY 1998 Agriculture Appropriations Act (Conference Report)**

**Floor Situation:** The House is scheduled to consider the conference report to H.R. 2160 after it completes consideration of H.R. 1370. Conference reports are privileged and may be considered any time three days after they are filed; they are debatable for one hour, may not be amended, and are subject to one motion to recommit. On September 18, 1997, the Rules Committee granted a rule waiving all points of order against the conference report and its consideration. The rule also self-executes (i.e., incorporates into the conference report upon passage of the bill) a necessary technical correction.

**Summary:** The conference agreement to H.R. 2160 appropriates \$49.6 billion in new FY 1998 budget authority for agriculture programs, \$103 million more than the House-passed bill and \$3.6 billion less than FY 1997. When scorekeeping adjustments are taken into account, the bill provides \$35.8 billion for mandatory programs (almost 80 percent of the total) and \$13.8 billion for discretionary programs (\$101 million more than the House level and \$700 million more than last year).

Major breakdowns in spending levels include:

- \* \$25.1 billion for food stamps, \$2.5 billion less than the FY 1997 level;
- \* \$7.8 billion for child nutrition programs, \$850,000 more than the House version and \$885 million less than last year;
- \* \$3.9 billion for the supplemental nutrition program for Women, Infants, and Children, equal to the House-passed bill and \$118 million more than FY 1997;
- \* \$1.6 billion for the Federal Crop Insurance Corporation, equal to both the House version and the FY 1997 level;

- \* \$1.1 billion for the Food for Peace (*P.L. 480*) program, \$6.4 million more than the House-passed bill and \$4.2 million more than FY 1997; and
- \* \$925.3 million for the Food and Drug Administration, \$5 million more than the House level and \$37.5 million more than FY 1997;
- \* \$854.8 million for the Cooperative State Research, Education, and Extension Service, \$18.5 million more than the House-passed bill and \$54.6 million more than FY 1997;
- \* \$783.5 million for the Commodity Credit Corporation, \$783.5 million less than last year; and
- \* \$744.6 million for the Agricultural Research Service, \$19.5 million more than the House-passed bill and \$8.2 million more than last year.

The House passed H.R. 2160 by a vote of 395-14 on July 24, 1997. The Senate approved the bill by vote of 99-0 on the same day. The conference report was submitted by Mr. Skeen.

**Views:** The Republican leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time.

**Additional Information:** See *Legislative Digest*, Vol. XXVI, #26, September 19, 1997, and #20, Pt. II, July 14, 1997.



### **Motion to Go to Conference on H.R. 2267 (FY 1998 Commerce, Justice, State and the Judiciary Appropriations Act)**

**Floor Situation:** Mr. Rogers or a designee may offer a motion to go to conference on H.R. 2267 after the House completes action on the conference report to H.R. 2160. A motion to instruct may be made immediately after this request and before the chair appoints conferees. Instructions are considered the prerogative of the minority and are debatable for one hour.

**Summary:** The motion, if agreed to, will establish a House-Senate conference to resolve differences between the House version of H.R. 2267—which passed the House by a vote of 227-199 on September 30, 1997—and the Senate version, which passed the Senate by unanimous consent on October 1, 1997. Once agreed to, the motion permits the chair to appoint conferees. Details of a possible motion to instruct were unavailable at press time.

**Views:** The Republican Leadership supports the motion to go to conference, and opposes any motion to instruct conferees that would weaken the position of House negotiators.

**Additional Information:** See *Legislative Digest*, Vol. XXVI, #27, September 26, 1997.



## **H.R. 1127—National Monument Fairness Act**

**Floor Situation:** The House is scheduled to consider H.R. 1127 after it appoints conferees on H.R. 2267. Last Wednesday, the House adopted a modified-closed rule which provides one hour of general debate, equally divided between the chairman and ranking minority member of the Resources Committee. The rule makes in order a committee amendment in the nature of a substitute as base text. In addition, the rule makes in order six amendments, debatable in the order listed and for the amount of time specified below. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, provided that it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

**Summary:** H.R. 1127 amends the 1906 Antiquities Act to limit the president's authority to designate certain areas as national monuments. The bill requires the president to obtain the approval of Congress for proposed monuments larger than 50,000 acres in a single state during a single calendar year. The president retains the right to designate federal lands as national monuments, but proclamations involving more than 50,000 acres in a single state in a single calendar year will not become effective until Congress enacts specific legislation to approve the proposed designation. Before submitting the proposal to Congress, the president must obtain written comments from the governor of the affected state. CBO estimates that enactment will have no significant effect on the federal budget. The bill was introduced by Mr. Hansen and was reported by the Resources Committee by voice vote.

**Views:** The Republican leadership supports passage of the measure. The Clinton Administration opposes the bill and has pledged to veto it.

**Amendments:** On Wednesday, October 1, the House passed the rule but did not begin consideration of amendments. The modified closed rule makes in order six amendments, debatable in the order listed below. However, Ms. Chenoweth has indicated she does not intend to offer her amendment that was made in order under the rule; thus, only five amendments remain. Each amendment is debatable for 10 minutes, equally divided between a proponent and an opponent.

**Mr. Vento** may offer an amendment to eliminate the provision that requires the president to obtain the approval of Congress for proposed monuments. In its place, the amendment establishes a one-year delay from the time the president announces a designation under the Antiquities Act to when the designation takes effect. In addition, during the one-year period of review, federal lands within the designated area must be withdrawn from development, including oil and mineral development.

**Staff Contact:** *Terry Klein, x5-6631*

**Mr. Miller (CA)** may offer an amendment to establish that, if no comments are received from the governor of the affected state, the presidential proclamation may be submitted to Congress after 90 days. Under the bill, the proclamation may be submitted to Congress 90 days after the governor's comments are received or 180 days from the date of the designation if no comments were received.

**Staff Contact:** *Rick Healy, x6-2311*

**Mr. Miller (CA)** may offer an amendment in the nature of a substitute to require the president to consult the governor of the affected state, as well as any other individual or organization he deems advisable, at least 60 days prior to issuing a proclamation, unless the president finds that a delay will jeopardize the values for which the monument is being established. **Staff Contact:** *Rick Healy, x6-2311*

**Mr. Miller (CA)** may offer an amendment to establish that the provisions of the Antiquities Act apply to federal lands in all 50 states and territories of the United States. Currently, both Alaska and Wyoming either have full or partial exemptions from the Antiquities Act. In 1943, President Roosevelt used his authority under the Antiquities Act to designate the Jackson Hole National Monument, which is now part of Grand Teton National Park. In 1978, President Carter proclaimed 17 national monuments in Alaska, totaling more than 55 million acres. After both designations, the president and Congress worked out legislation authorizing a full exemption for Wyoming (in 1950) and a partial exemption for Alaska (in 1980) that requires congressional approval for any executive land withdrawals of more than 5,000 acres. **Staff Contact: Rick Healy, x6-2311**

**Mr. Hansen** may offer an amendment in the nature of a substitute to give Congress the right to review any monument designation of more than 50,000 acres for two years. In those two years, in order for the monument designation to become effective, Congress must pass a resolution approving the designation. The substitute requires the president to consult the governor of the affected state at least 30 days prior to the monument proclamation. The congressional review period will not begin until the period for consultation with the governor has elapsed. **Staff Contact: Allen Freemyer, x6-7736**

**Additional Information:** See *Legislative Digest*, Vol. XXVI, #27, September 26, 1997.



## Votes on Bills Considered Under Suspension of the Rules

**Floor Situation:** The House will vote on the following seven bills sometime today, which were considered under suspension of the rules last week but for which votes were postponed. Each requires a two-thirds majority vote for passage.

**H.R. 2165** extends the Federal Power Act deadline, for up to six years, to begin construction of a 27-megawatt hydroelectric project located in Iowa. The original deadline has not been met because a power purchase agreement has not been negotiated. CBO estimates that enactment will result in no significant cost to the federal government. The bill was introduced by Mr. Leach and was reported by the Commerce Committee by voice vote.

**H.R. 2207—Coastal Pollution Reduction Act** amends the 1972 Clean Water Act to allow the waste water treatment plant in Mayaguez, Puerto Rico, to apply to the Environmental Protection Agency (EPA) for a waiver from the requirement for secondary treatment of waste water discharges. The bill also authorizes \$20 million in FY 1998 for grants to states under the EPA's national estuary program. CBO estimates that enactment will result in additional discretionary spending of \$20 million over the FY 1998-1999 period. The bill was introduced by Mr. Romero-Barcelo and was reported by the Transportation Committee by voice vote.

**H.R. 548** names the federal courthouse located at 500 Pearl Street in New York City, New York, after Ted Weiss. Congressman Weiss (1927-1992) began his career in public service as the Assistant District Attorney for New York City in 1953. He then ran for the New York City Council, where he served for fifteen years. In 1976, he was elected to the U.S. House of Representatives where he held

leadership positions on the House Committees on Banking Finance and Urban Affairs, Foreign Affairs, and Government Operations. CBO estimates that enactment will have no significant impact on the federal budget. The bill was introduced by Mr. Nadler and was reported by the Transportation Committee by voice vote.

**H.R. 595** names the federal building and courthouse located at 475 Mulberry Street in Macon, Georgia, after William Augustus Bootle. Judge Bootle received his L.L.B. degree from Mercer University Law School in 1925. He was appointed Assistant United States Attorney for the Middle District of Georgia in 1928, and eventually served as United States Attorney for the Middle District of Georgia until 1933. In 1954, President Eisenhower appointed him to the U.S. District Court. During his tenure on the bench, Judge Bootle issued an order declaring that two African-American students be admitted to the University of Georgia. This was the first court ruling in Georgia to integrate schools. CBO estimates that enactment will have no significant impact on the federal budget. The bill was introduced by Mr. Chambliss and was reported by the Transportation Committee by voice vote.

**S. 819** names the federal courthouse located at 200 South Washington Street in Alexandria, Virginia, after Martin V. B. Bostetter, Jr. Judge Bostetter's entire career has taken place in Alexandria, Virginia. He began practicing law in 1952, was appointed Special Assistant to the City Attorney in 1953, became an Associate Judge of the Municipal Court in 1957, and accepted an appointment to the United States Bankruptcy Court in 1959. Appointed Chief Judge in 1985, Bostetter continues to serve as a judge for the U.S. Bankruptcy Court for the Eastern District of Virginia where he ranks among the longest sitting bankruptcy judges in America. CBO estimates that enactment will have no significant impact on the federal budget. The bill was introduced by Senator Warner and passed the Senate by unanimous consent on June 12. Companion legislation (H.R. 1851) was introduced in the House by Mr. Moran and was reported by the Transportation Committee by voice vote.

**S. 833** names the federal courthouse located at Public Square and Superior Avenue in Cleveland, Ohio, after Howard M. Metzenbaum. Mr. Metzenbaum served the state of Ohio as a Senator for three terms, retiring in 1994. He focused on issues such as clean air protection, nuclear regulation, antitrust laws, and gun control, but his favorite crusade was against special breaks for business. As a Senator, Metzenbaum was both hailed and decried by his colleagues as being a legendary obstructionist. A master of parliamentary maneuvering within the arcane traditions of the Senate, he was famous for mounting filibusters near the end of congressional sessions to block what he considered "giveaways to special interests." He single-handedly stopped a multibillion dollar tax break for independent oil producers in 1981. The bill was introduced by Senator Lautenberg and passed the Senate by unanimous consent on July 25.

**H.R. 2036—Aviation Insurance Reauthorization Act** extends the authorization of the aviation insurance program and provides the Federal Aviation Administration (FAA) with borrowing authority to reimburse airlines for any losses that exceed amounts in the aviation insurance fund. Current law expires on September 30, 1997, and the bill reauthorizes the program through FY 2002. CBO estimates that enactment will have no significant impact on the federal budget over the next five years. The bill was introduced by Mr. Shuster and was reported by the Transportation Committee by voice vote.

**Additional Information:** See *Legislative Digest*, Vol. XXVI, #27, September 26, 1997.

